

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

OTIS LEE RODGERS,

Plaintiff,

v.

Case No. 2:15-cv-2754
Judge Frost
Magistrate Judge King

SOLANO COUNTY COURTS, *et al.*,

Defendants.

REPORT AND RECOMMENDATION

On September 22, 2015, the Court dismissed plaintiff's claims under 42 U.S.C. § 1983 for lack of subject matter jurisdiction and for failure to state a claim for relief. *Order*, ECF No. 11. However, plaintiff was granted thirty (30) days in which to file a petition for a writ of habeas corpus under 28 U.S.C. §§ 2241, 2254, and was advised that his "failure to do so will result in the dismissal of this action for want of prosecution." *Id.* at 2.

Plaintiff has not filed a petition for a writ of habeas corpus.¹ It therefore appears that plaintiff does not intend to pursue habeas corpus relief.

It is therefore **RECOMMENDED** that this action be dismissed, with prejudice, for want of prosecution.

If any party seeks review by the District Judge of this *Report and Recommendation*, that party may, within fourteen (14) days, file

¹ Indeed, the copy of the *Order* mailed by the Court to the plaintiff was returned with the notation "Return to Sender - Refused"). *Mail Returned as Undeliverable*, ECF No. 12.

and serve on all parties objections to the *Report and Recommendation*, specifically designating this *Report and Recommendation*, and the part thereof in question, as well as the basis for objection thereto. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Response to objections must be filed within fourteen (14) days after being served with a copy thereof. Fed. R. Civ. P. 72(b).

The parties are specifically advised that the failure to object to the *Report and Recommendation* will result in a waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court. *See, e.g., Pfahler v. Nat'l Latex Prod. Co.*, 517 F.3d 816, 829 (6th Cir. 2007) (holding that "failure to object to the magistrate judge's recommendations constituted a waiver of [the defendant's] ability to appeal the district court's ruling"); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005) (holding that defendant waived appeal of district court's denial of pretrial motion by failing to timely object to magistrate judge's report and recommendation). Even when timely objections are filed, appellate review of issues not raised in those objections is waived. *Robert v. Tesson*, 507 F.3d 981, 994 (6th Cir. 2007) ("[A] general objection to a magistrate judge's report, which fails to specify the issues of contention, does not suffice to preserve an issue for appeal") (citation omitted)).

s/ Norah McCann King
Norah McCann King
United States Magistrate Judge

October 26, 2015